

[COMMITTEE PRINT]

MAY 14, 1998

**[Showing the Amendment Adopted by the Subcommittee on
Workforce Protections on May 14, 1998]**

105TH CONGRESS
2D SESSION

H. R. 2661

To establish peer review for the review of standards promulgated under
the Occupational Safety and Health Act of 1970.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 9, 1997

Mr. McINNIS (for himself, Mr. BAESLER, Mr. BONILLA, Mr. BOYD, Mr. BUNNING, Mr. COOKSEY, Mr. CUNNINGHAM, Mr. LINDER, Mrs. MORELLA, Mrs. NORTHUP, Mr. PETERSON of Pennsylvania, Ms. PRYCE of Ohio, Mr. BOB SCHAFER of Colorado, Mr. SNOWBARGER, and Mr. WICKER) introduced the following bill; which was referred to the Committee on Education and the Workforce

[Strike out all after the enacting clause and insert the part printed in roman]

A BILL

To establish peer review for the review of standards promulgated under the Occupational Safety and Health Act of 1970.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Sound Scientific Prac-
3 tices Act”.

4 **SEC. 2. PEER REVIEW.**

5 (a) GENERAL RULE.—Whenever the Secretary of
6 Labor determines that a standard should be promulgated
7 under section 6(b) of the Occupational Safety and Health
8 Act of 1970, the Secretary shall, in order to serve the ob-
9 jectives of such Act and in lieu of the authority of the
10 Secretary to appoint an advisory committee described in
11 section 6(b)(1) of such Act, appoint a panel of individuals
12 to review—

13 (1)) the scientific and economic data which
14 forms the basis for such standard; and

15 (2) the relevance of the data to industries and
16 workers which would be affected by such standard.

17 (b) PANEL.— A panel appointed under subsection (a)
18 shall be balanced in terms of the points of view rep-
19 resented and shall consist of persons who are able to give
20 independent judgment and who have expertise in scientific
21 or economic analysis related to the matter which is the
22 subject of the standard. Any individual with a financial
23 interest in the outcome of the standard shall be excluded
24 as a member of the panel unless such individual fully dis-
25 closes such interest to the Secretary.

1 (c) REPORTS.— Reports of the panel, including any
2 individual or minority reports, shall be published together
3 with any proposed or final rule promulgating a standard.
4 The Secretary shall provide a written response to all sig-
5 nificant comments of the panel and shall include such re-
6 sponses with the proposed or final rule to which the re-
7 ports of the panel are attached.

8 (d) NEGOTIATED RULEMAKING.— The requirement
9 of subsection (a) shall not apply when the rule is com-
10 pleted through negotiated rulemaking under subchapter
11 III of chapter 5 of title 5, United States Code.